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**STATE OF IOWA**

# **Senate Journal**

**WEDNESDAY, JANUARY 26, 2011**

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Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE SENATE

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SEVENTEENTH CALENDAR DAY  
ELEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 26, 2011

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by Pastor Philip Robarge of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ethan Fredrick.

The Journal of Tuesday, January 25, 2011, was approved.

### SPECIAL GUESTS

Senator Black introduced to the Senate chamber May-May Ng, President of CK International in West Des Moines, Iowa, and her son, Tim Ng, VP of CK International. They were accompanied by Huai Wong, CEO of Wenzhou Xingshun in Wenzhou, China.

Huai Wong addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:27 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:50 a.m., President Kibbie presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 72](#).

[Senate File 72](#)

On motion of Senator Dotzler, [Senate File 72](#), a bill for an act relating to professions which may practice together in professional limited liability companies and including effective and applicability date provisions, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 72](#)), the vote was:

Yeas, 44:

Anderson	Dandekar	Hamerlinck	Ragan
Bacon	Danielson	Hancock	Rielly
Bartz	Dearden	Hatch	Schoenjahn
Beall	Dix	Hogg	Seng
Bertrand	Dotzler	Horn	Seymour
Black	Dvorsky	Houser	Smith
Boettger	Ernst	Jochum	Sodders
Bolkcom	Fraise	Johnson	Sorenson
Bowman	Greiner	Kapucian	Whitver
Chelgren	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	Quirmbach	Zaun

Nays, 5:

Behn	Kettering	Ward
Feenstra	McKinley	

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 72** be **immediately messaged** to the House.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:54 a.m. until 12:45 p.m.

## AFTERNOON SESSION

The Senate reconvened at 1:04 p.m., President Kibbie presiding.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:05 p.m. until 7:00 a.m., Thursday, January 27, 2011.

## APPENDIX

## REPORTS OF COMMITTEE MEETINGS

## COMMERCE

**Convened:** Tuesday, January 25, 2011, 4:05 p.m.

**Members Present:** Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Kettering, Schoenjahn, Seng, Ward, and Zaun.

**Members Absent:** Feenstra, McCoy, and Wilhelm (all excused).

**Committee Business:** Passed [SF 52](#), as amended.

**Adjourned:** 4:25 p.m.

## EDUCATION

**Convened:** Monday, January 24, 2011, 3:30 p.m.

**Members Present:** Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Johnson, Smith, Soddors, and Wilhelm.

**Members Absent:** Feenstra (excused).

**Committee Business:** Presentations on preschool education.

**Adjourned:** 4:30 p.m.

**ALSO:**

**Convened:** Wednesday, January 26, 2011, 1:10 p.m.

**Members Present:** Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Presentations on preschool education.

**Adjourned:** 2:00 p.m.

#### GOVERNMENT OVERSIGHT

**Convened:** Wednesday, January 26, 2011, 10:05 a.m.

**Members Present:** Courtney, Chair; Soddors, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

**Members Absent:** None.

**Committee Business:** Discussion with the Iowa Association of School Boards and an audit firm.

**Adjourned:** 11:00 a.m.

#### HUMAN RESOURCES

**Convened:** Wednesday, January 26, 2011, 3:05 p.m.

**Members Present:** Ragan, Chair; Wilhelm, Vice Chair; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Quirnbach, and Whitver.

**Members Absent:** Seymour, Ranking Member; and Johnson (both excused).

**Committee Business:** Presentation by the Department of Human Services.

**Adjourned:** 3:25 p.m.

#### LOCAL GOVERNMENT

**Convened:** Wednesday, January 26, 2011, 2:05 p.m.

**Members Present:** Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Quirnbach, Rielly, and Schoenjahn.

**Members Absent:** Hamerlinck and McCoy (both excused).

**Committee Business:** Presentation by ISAC.

**Adjourned:** 2:30 p.m.

#### STATE GOVERNMENT

**Convened:** Wednesday, January 26, 2011, 2:05 p.m.

**Members Present:** Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, and Sorenson.

**Members Absent:** Soddors (excused).

**Committee Business:** Presentation by IPERS

**Adjourned:** 3:00 p.m.

#### VETERANS AFFAIRS

**Convened:** Tuesday, January 25, 2011, 4:30 p.m.

**Members Present:** Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Veterans Affairs.

**Adjourned:** 4:55 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** Wednesday, January 26, 2011, 10:10 a.m.

**Members Present:** Black, Chair; Dearden, Vice Chair; Houser, Ranking Member; Hahn and Wilhelm.

**Members Absent:** None.

**Committee Business:** Introduction of Chinese visitors. Presentation by the State Soil Conservation Commission and the Conservation Districts of Iowa.

**Adjourned:** 10:50 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Wednesday, January 26, 2011, 10:05 a.m.

**Members Present:** Schoenjahn, Chair; Quirmbach, Vice Chair; Dix, Ranking Member; and Horn.

**Members Absent:** Hamerlinck (excused).

**Committee Business:** Presentations by Iowa Vocational Rehabilitation Services and the Department for the Blind.

**Adjourned:** Wednesday, January 26, 2011, 11:00 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Wednesday, January 19, 2011, 10:00 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckcom.

**Members Absent:** None.

**Committee Business:** Introductions. LSA presentation on FY 2011 budget.

**Adjourned:** 11:30 a.m.

#### **ALSO:**

**Convened:** Thursday, January 20, 2011, 10:00 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolckcom.

**Members Absent:** None.

**Committee Business:** Presentation by Medicaid.

**Adjourned:** 11:10 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Tuesday, January 25, 2011, 10:10 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

**Members Absent:** None.

**Committee Business:** Presentation by the Board of Parole.

**Adjourned:** 10:50 a.m.

**ALSO:**

**Convened:** Wednesday, January 26, 2011, 10:10 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Public Defense and the Department of Homeland Security and Emergency Management.

**Adjourned:** 11:25 a.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 9**, by Feenstra, Hahn, Zaun, Johnson, and Boettger, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for school districts.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate Resolution 4**, by committee on Ethics, a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-fourth General Assembly.

Read first time under Rule 28 and **placed on calendar**.

## INTRODUCTION OF BILLS

**Senate File 96**, by Bolkcom and Dotzler, a bill for an act concerning requirements for motor vehicle operators when overtaking and passing a bicycle, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Transportation**.

**Senate File 97**, by Hancock, a bill for an act providing for expanded Iowa communications network access to include counties under specified circumstances.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 98**, by Hancock, a bill for an act relating to the duty of a county to provide emergency medical service and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 99**, by Bolkcom, a bill for an act establishing a solar energy rebate program and fund, and making an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 100**, by Jochum, a bill for an act exempting commercial kennels from regulation as a commercial establishment when training dogs or cats in the presence of their owners, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Agriculture**.

**Senate File 101**, by Jochum, a bill for an act prohibiting the use of restraints on a pregnant inmate in labor.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 102**, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Bartz, Anderson, Bacon, Hamerlinck, Behn, Johnson, Kapucian, Hahn, McKinley, Ernst, Dix, Smith, and Whitver, a bill for an act relating to illegal immigration, providing penalties, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 103**, by Jochum, a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 104**, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Bartz, Anderson, Bacon, Behn, Kettering, Johnson, Kapucian, Greiner, Hahn, Hamerlinck, Zaun, McKinley, Ernst, Dix, Smith, Whitver, Ward, and Houser, a bill for an act relating to verification of social security numbers for public programs under the purview of the department of human services.

Read first time under Rule 28 and referred to committee on **Human Resources**.

**Senate File 105**, by Zaun, Boettger, Bacon, Greiner, Feenstra, Johnson, Sorenson, Ward, Houser, Seymour, Behn, McKinley, Kettering, Anderson, Bertrand, Ernst, Hamerlinck, and Hahn, a bill for an act concerning the retention of existing highway rest areas.

Read first time under Rule 28 and referred to committee on **Transportation**.

**Senate File 106**, by Bacon, Boettger, Johnson, Hamerlinck, Zaun, Chelgren, Ernst, Greiner, Bertrand, Sorenson, Ward, Bartz, and Feenstra, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and including retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

**Senate File 107**, by Zaun, Boettger, Ernst, Hahn, Feenstra, Johnson, Houser, and Seymour, a bill for an act providing a property assessment adjustment for certain property of persons who have attained the age of sixty-five, providing a penalty, and including retroactive and other applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

**Senate File 108**, by Seng, a bill for an act appropriating moneys to the department of economic development for tourism marketing and promotion.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 109**, by committee on Commerce, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 110**, by Hatch, a bill for an act prohibiting specified alcoholic beverage licensees or permit holders from knowingly permitting or engaging in any criminal activity on the premises covered by the license or permit, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Commerce**.

#### STUDY BILLS RECEIVED

##### **SSB 1055      Judiciary**

Making certain synthetic cannabinoids schedule I controlled substances, providing penalties, and including effective date provisions.

##### **SSB 1056      Judiciary**

Relating to permits to carry weapons and annual permits to acquire pistols and revolvers.

##### **SSB 1057      Judiciary**

Relating to the disposition of a child with mental illness or mental retardation in juvenile court.

**SSB 1058      Judiciary**

Establishing a parole procedure for certain persons serving a class “A” felony sentence.

**SSB 1059      Ways and Means**

Repealing the property assessment appeal board.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 58**

APPROPRIATIONS: Danielson, Chair; Dvorsky and Johnson

**Senate File 76**

TRANSPORTATION: Danielson, Chair; Dandekar and Hahn

**Senate File 78**

TRANSPORTATION: Hahn, Chair; Kapucian and Rielly

**Senate File 89**

WAYS AND MEANS: Quirmbach, Chair; McCoy and Smith

**Senate File 95**

COMMERCE: Behn, Chair; McCoy and Rielly

**SSB 1055**

JUDICIARY: Hancock, Chair; Boettger and Sadders

**SSB 1056**

JUDICIARY: Hogg, Chair; Jochum and Ward

**SSB 1057**

JUDICIARY: Hogg, Chair; Horn and Sorenson

**SSB 1058**

JUDICIARY: Horn, Chair; Dix and Jochum

**SSB 1059**

WAYS AND MEANS: Bolkcom, Chair; Jochum and Zaun

## FINAL COMMITTEE REPORTS OF BILL ACTION

## COMMERCE

**Bill Title:** \*[SENATE FILE 109](#) (formerly [SF 52](#)), a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, Schoenjahn, Seng, Ward, and Zaun. Nays, none. Absent, 2: McCoy and Wilhelm.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on [Senate File 109](#), and they were attached to the committee report.

## ETHICS

**Bill Title:** \*[SENATE RESOLUTION 4 \(SSB 1001\)](#), a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-fourth General Assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 5: Kibbie, Fraise, McKinley, Kettering, and Seng. Nays, none. Absent, 1: Behn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ethics Committee on [Senate Resolution 4](#), and they were attached to the committee report.